

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

July 2, 2014

**5:30 P.M.**

**MINUTES**

**Present:** Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on June 19, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending June 25, 2014 in the amount of \$ 325,052.15 and July 3, 2014 in the amount of \$ 279,332.28 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kasper; Seconded by Councilor Armstrong

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the weeks of June 19 – July 1, 2014
- Report from the Building Inspector's office June 30, 2014
- Finance Department Statement of Revenue and Expenditures for the months of May 2014

**RESOLVED:** That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor O'Connell; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the weeks ending June 27, 2014 in the amount of \$ 1,319,294.57 and July 3, 2014 in the amount of \$ 172,142.43 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Armstrong; Seconded by Councilor Dowdle  
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL:**

**Tim McCormick** representing First Weekends spoke about their event coming up on July 5<sup>th</sup> and allow them to close street this week if needed.

**Colin Read** from Champlain Wine Co and the Visitor Center 30 City Hall Place.

**Walter Chmura** lives in Lake Country Village spoke about Dog licensing in City and open fire pits and fire codes.

**Paul Fuhrmeister** spoke in support of First Weekends.

**Sam Pirofsky** from Ashley's Furniture spoke about the negative affect of closing the street for First Weekends on his business and supports the idea of First Weekends would like it spread throughout downtown locations and contain in Trinity Park and not close streets.

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**7. OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves from the City Chamberlain to increase the 2014 budget for the cost of unbudgeted River Walk expenditures of \$1,621 from a River Walk contribution to be received as per the attached budget adjustment memo.

By Councilor Dowdle; Seconded by Councilor Armstrong  
Discussion: None  
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves Erin McCartan to hold the 5<sup>th</sup> Annual Plattsburgh Polar Plunge at the Plattsburgh City Beach on Saturday November 8, 2014.

By Councilor Kelly; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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### **C. CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL**

WHEREAS, Falcon First Cable of New York, Inc. ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of Plattsburgh, NY (the "Franchise Authority") and to operate and maintain a cable television system therein; and

WHEREAS, Charter Communications, Inc. ("Charter") is the ultimate parent company of Franchisee; and

WHEREAS, on April 25, 2014, Charter and Comcast Corporation ("Comcast") entered into the Comcast/Charter Transactions Agreement (the "Agreement"), pursuant to which the Franchisee, through a restructuring under Charter's ownership, will become PCI Transfers VI, LLC ("New Franchisee") and immediately thereafter will become a wholly-owned subsidiary of Comcast (the "Transaction"); and

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction.
3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the New Franchisee to Comcast has been duly and validly taken.
4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.
5. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.

6. This Resolution shall be deemed effective upon adoption.
7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Comcast.

By Councilor Kretser; Seconded by Councilor O'Connell

Discussion:

**Councilors Kasper and Armstrong** spoke about their concerns and/or objections.

[Further discussion ensued]

**Motion to Table by Councilor Kasper; Seconded by Councilor Armstrong**

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Tabled

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves Arielle Trombley to hold the STOP Domestic Violence Paws for Peace Walk on US Oval from 11am-1pm on October 12, 2014.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES COMMENCED BY PLATTSBURGH PLAZA, LLC and HMC NOMINEE COMPANY, LLC**

WHEREAS, Plattsburgh Plaza, LLC, previously commenced Article 7 Real Property Assessment Review cases for 2012 and 2013 against the City of Plattsburgh concerning certain parcels located at 316 Cornelia Street and 284 Cornelia Street, identified as Tax Map Numbers 207.17-1-15.2-1 and 207.17-1-15.3, respectively, with a combined total assessment of \$8,671,600, and

WHEREAS, HMC Nominee Company, LLC, previously commenced Article 7 Real Property Assessment Review cases for 2012 and 2013 against the City of Plattsburgh concerning a certain parcel located at 316 Cornelia Street, identified as Tax Map Number 207.17-1-15.2-2, with a an assessment of \$936,300, and

WHEREAS, the City's Assessor has recommended a settlement proposal to the City Council,

NOW, THEREFORE, BE IT

RESOLVED, that the Plattsburgh City Council hereby approves the settlement of the pending Article 7 cases against the City of Plattsburgh brought by Plattsburgh Plaza, LLC, for 2012 and 2013 concerning the property identified as Tax Map Numbers 207.17-1-15.2-1 and 207.17-1-15.3, and the pending Article 7 cases brought by HMC Nominee Company, LLC, for 2012 and 2013 concerning the property identified as Tax Map Number 207.17-1-15.2-2, in accordance with the following:

- 1) There shall be no changes to the assessments on any of the three parcels for the 2012 or 2013 assessment rolls.
- 2) The property owners shall discontinue all pending cases, with no assessment reductions or refunds.
- 3) For 2014, 2015 and 2016, the total of the combined assessed value of the three parcels shall be \$6,000,000 (Six Million Dollars), which shall be apportioned and assigned among the three parcels in the judgment of the City Assessor,

And BE IT FURTHER,

RESOLVED, that the City Council authorizes and directs the Mayor, City Assessor, Corporation Counsel, and/or Special Counsel to execute settlement documents on behalf of the City and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

By Councilor Kretser; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F. WHEREAS**, the City of Plattsburgh believes that a strong and vibrant downtown is essential to the economic health of Clinton County; and,

WHEREAS, the City believes that the optimum configuration for achieving a strong downtown is a mix of traditional business, unique business, events, arts and leisure activities intermixed with neighborhood residences; and,

WHEREAS, First Weekends in Plattsburgh is committed to fostering Music, Arts and Entertainment in Downtown; and,

WHEREAS, the City is committed to providing the maximum benefits from traffic flow for residents and tourists alike; and,

WHEREAS, tourists driving by events are attracted to join them; and,

WHEREAS, the current closure of City Hall Place prevents tourists and residents from driving by the First Weekend events; and,

WHEREAS, the City observes that the closure of City Hall Place for First Weekend events has an unanticipated negative impact on businesses operating in downtown and on traffic flow into and around the City,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Plattsburgh does hereby request that the Board of Directors of First Weekends In Plattsburgh modify the layout of its events for July through November by altering their shape to utilize Lower Court Street, the parking lot on Lower Court Street, Trinity Park, Trinity Place and the City Hall grounds, in order to allow traffic to flow normally on City Hall Place.

By Councilor Kasper; Seconded by Councilor Dowdle  
Discussion:

[Councilors Armstrong, Dowdle and Mayor Calnon spoke about this subject]

**Motion to amend Resolution**

By Councilor Armstrong; Seconded by Councilor Kretser  
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted

**Amended Resolution adding:**

“The City is committed to working with First Weekends to evaluate current practices and their impact on all Downtown businesses, tourism, and all public access in order to plan for even more successful future events.”

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**G. RESOLVED:** In accordance with the request therefore the Common Council approves a request from John W. Sheehan & Sons to close the portion of Rugar St. between Sanborn Ave. and Broad St. from August 4 – August 15<sup>th</sup> to allow the installation of two new raised crosswalks on Rugar Street.

By Councilor Kelly; Seconded by Councilor Dowdle  
Discussion:

[Councilors Kelly, Dowdle and Kasper spoke on this subject]

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**H. Motion to waive rule 4 for Initial Consideration** “ **RESOLVED:** In accordance with the request therefore the Common Council approves the proposed settlement of the City of Plattsburgh v Danielle Leavine Jackson, Index No. 09-840, in which Ms. Jackson has executed an affidavit of confession of judgment in the amount of \$15,500, in full satisfaction of the City's claim, and has executed a settlement agreement whereby the City's Corporation Counsel will hold the affidavit of confession of judgment in escrow for 120 days, or upon the sale of the subject property, whichever comes sooner, and that after either event, if the \$15,500 is not remitted to the City, the City may file and execute on the associated Judgment, and the Common Council authorizes the Mayor to execute all necessary legal documents in this matter.”

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper and Kretser voted in the affirmative. Councilor Kelly recused)

**ACTION TAKEN:** Adopted

**RESOLVED:** In accordance with the request therefore the Common Council approves the proposed settlement of the City of Plattsburgh v Danielle Leavine Jackson, Index No. 09-840, in which Ms. Jackson has executed an affidavit of confession of judgment in the amount of \$15,500, in full satisfaction of the City's claim, and has executed a settlement agreement whereby the City's Corporation Counsel will hold the affidavit of confession of judgment in escrow for 120 days, or upon the sale of the subject property, whichever comes sooner, and that after either event, if the \$15,500 is not remitted to the City, the City may file and execute on the associated Judgment, and the Common Council authorizes the Mayor to execute all necessary legal documents in this matter.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper and Kretser voted in the affirmative. Councilor Kelly recused himself)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## **8. TRAVEL REQUEST:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to attend the MEUA Safety Meeting in Fairport, NY from July 21 – 22, 2014 at an estimated cost of \$324.

By Councilor Kasper; Seconded by Councilor Kretser  
Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## **9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. Construction loan for Phase II of Catherine Gardens
2. Request to establish an Oil Train Task Force
3. **RESOLVED:** In accordance with the request therefore the Common Council approves the proposed settlement of the City of Plattsburgh v Danielle Leavine Jackson, Index No. 09-840, in which Ms. Jackson has executed an affidavit of confession of judgment in the amount of \$15,500, in full satisfaction of the City's claim, and has executed a settlement agreement whereby the City's Corporation Counsel will hold the affidavit of confession of judgment in escrow for 120 days, or upon the sale of the subject property, whichever comes sooner, and that after either event, if the \$15,500 is not remitted to the City, the City may file and execute on the associated Judgment, and the Common Council authorizes the Mayor to execute all necessary legal documents in this matter. **(Move to agenda under "Other Items" Letter H)**

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## **10. NEW BUSINESS:**

**Councilor Armstrong** spoke about a constituent asking about sidewalks on new construction in Lake Country Village.

**Councilor Dowdle** spoke about house numbers in Plattsburgh for 911. Is there a program or rules. He mentioned sign around city; dock closes at 10pm and would we be liable if a boater operates the vessel while under the influence of alcohol, and skate park signs.

**Corporation Counsel Dean Schneller** answered Councilor Dowdle's question about liability for a boater under the influence of alcohol leaving city dock.

**Councilor O'Connell** spoke about Penfield Park skate park, Wilcox Dock.

**Councilor Armstrong** spoke about a campaign for dog licensing, more poop stations.

**Councilor O'Connell** asked that a Barrier be installed in front of river down at the MacDonough monument to keep children from falling in the river during July 4<sup>th</sup> and Mayor's Cup events.



**Councilor Kelly** spoke about People for Positive Action newsletter “Under Currents.” Submitted the issue in to the minutes. He also mentioned at 3pm Saturday July 5<sup>th</sup> Plattsburgh is marking the Lac Megantic tragic event with a vigil.

**Councilor O’Connell** challenged the Mayor and Councilors to join him in the pie eating contest.

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**11. CLOSING PUBLIC COMMENTS:**

**Tim McCormick** representing First Weekends thanked the Council for the resolution that was passed. They are anticipating large crowds at July 5<sup>th</sup> event.

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Motion to Adjourn by Councilor Kasper; Seconded by Councilor O’Connell  
Roll call Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser  
(All voted in the affirmative)

**MEETING ADJOURNED: 6:49pm**